

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 2. Smoke Management Guidelines for Agricultural and Prescribed Burning

Article 2. Implementation Plan

§ 80160. Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas.

The district smoke management programs shall include rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

(a) Require registration of all planned burn projects annually or seasonally, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

(b) Require the submittal of smoke management plans for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter. Smoke management plans must contain, at a minimum, the following information:

- (1) Location, types, and amounts of material to be burned;
- (2) Expected duration of the fire from ignition to extinction;
- (3) Identification of responsible personnel, including telephone contacts; and
- (4) Identification and location of all smoke sensitive areas.

(c) Require that smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained in subsection (b) and the following additional information:

- (1) Identification of meteorological conditions necessary for burning.
- (2) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions.

(3) Projections, including a map, of where the smoke from burns are expected to travel, both day and night.

(4) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan.

(5) An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA), as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement.

(6) Discussion of public notification procedures.

(d) If smoke may impact smoke sensitive areas, require smoke management plans to include appropriate monitoring, which may include visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the district for the following burn projects:

- (1) projects greater than 250 acres;
- (2) projects that will continue burning or producing smoke overnight;
- (3) projects conducted near smoke sensitive areas; or
- (4) as otherwise required by the district.

(e) Require, as appropriate, daily coordination between the land manager or his/her designee and the air district or the ARB for multi-day burns which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.

(f) Alternate thresholds to those specified in sections (b), (c), and (d) may be specified by a district consistent with the intent of this section.

(g) Require district review and approval of smoke management plans. Districts shall provide notice to the ARB of large or multi-day burns as specified in (d) or (e) and consult with the ARB on procedures for ARB review and approval of large or multi-day burns as specified in (d) and (e).

(h) Require that when a natural ignition occurs on a no-burn day, the initial "go/no-go" decision to manage the fire for resource benefit will be a "no-go" unless:

(1) After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or

(2) For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB.

Board Administration and Regulatory Coordination Unit

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(3) After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

(i) Require submittal of smoke management plans within 72 hours of the start of the fire for naturally-ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size.

(j) Require the land manager or his/her designee conducting a prescribed burn to ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.

(k) Require a post-burn smoke management evaluation by the burner for fires greater than 250 acres.

(l) Require procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.

(m) Require vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.

(n) Require material to be burned to be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.

(o) Require piled material to be burned to be prepared so that it will burn with a minimum of smoke.

(p) Require the permit applicant to file with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41850, 41853, 41854, 41855, 41856, 41857, 41858, 41859, 41861, 41862 and 41863, Health and Safety Code.

REFERENCE